

99

Notice of Allowability

Application No.

09/726,779

Examiner

Namitha Pillai

Applicant(s)

CIFRA ET AL.

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the decision from the Board of Patent Appeals and Interferences on 10/10/07.
2. ☒ The allowed claim(s) is/are 1,3-14,16-27,29-40,42-48,50,51 and 53-59.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

1. Authorization for this examiner's amendment was given in a telephone interview with Jeffrey Hood on 1/8/08. The application has been amended as follows: Claims 48 and 50 have been amended to add allowable subject matter. Claims 49 and 52 are cancelled.

48. (Currently Amended) A method for generating a computer program, the method comprising:

receiving user input specifying a prototype, wherein the prototype comprises a series of functional operations, wherein at least one of the operations has an associated one or more parameters;

in response to said receiving user input specifying the prototype, automatically generating a graphical program, wherein automatically generating the graphical program comprises automatically generating a plurality of interconnected nodes that visually indicate functionality of the graphical program, wherein the plurality of interconnected nodes are operable to perform the series of functional operations;

wherein said automatically generating the graphical program comprises automatically generating a graphical user interface for the graphical program, wherein the graphical user interface for the graphical program comprises at least one graphical

user interface element which is associated with at least one of the one or more parameters;

wherein the graphical program is interpretable or compilable;

wherein said receiving user input specifying the prototype is performed by a development environment;

wherein the graphical program comprises second program instructions;

wherein execution of the second program instructions is independent of execution of the development environment.

49. (Cancelled)

50. (Currently Amended) A method for generating a computer program, the method comprising:

receiving user input specifying a prototype, wherein the prototype comprises a series of functional operations, wherein at least one of the operations has an associated one or more parameters;

in response to said receiving user input specifying the prototype, automatically generating a graphical program, wherein automatically generating the graphical program comprises automatically generating a plurality of interconnected nodes that visually indicate functionality of the graphical program, wherein said automatically generating the graphical program further comprises automatically generating a graphical user interface for the graphical program; and

associating at least one of the one or more parameters with an element of the graphical user interface;

wherein said receiving user input specifying the prototype is performed by first program instructions;

wherein the graphical program comprises second program instructions;

wherein execution of the second program instructions is independent of execution of the first program instructions.

52. (Cancelled)

Authorization for this examiner's amendment was given in a telephone interview with Mark Williams on 2/6/08. The application has been amended as follows: The amendment was made to claim 14 to overcome a 35 U.S.C. 101 issue.

14. (Previously Presented) A system for generating a computer program, the system comprising:

a processor;

a memory coupled to the processor, wherein the memory stores program instructions executable by the processor to implement;

a prototyping environment application for receiving user input specifying a prototype, wherein the prototype comprises a series of functional operations, wherein at least one of the operations has an associated one or more parameters;

wherein the prototyping environment application is operable to automatically generate a program that implements the prototype, in response to the specified prototype, wherein the program is operable to execute independently of the prototyping environment application;

wherein said automatically generating the program comprises automatically generating a graphical user interface for the program;

wherein said automatically generating the graphical user interface comprises automatically creating one or more graphical user interface elements associated with the one or more parameters, wherein during execution of the program, at least one of the one or more graphical user interface elements is displayed and is operable to receive user input independently of the prototyping environment application.

Allowable Subject Matter

2. Claims 1, 3-14, 16-27, 29-40, 42-48, 50, 51 and 53-59 are allowed.
3. The following is an examiner's statement of reasons for allowance: In view of the decision from the Board of Patent Appeals and Interferences on 10/10/07, the claims 1, 3-14, 16-27, 29-40, 42-48, 50, 51 and 53-59 have been allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Responses to this action should be submitted as per the options cited below: The United States Patent and Trademark Office requires most patent related correspondence to be: a) faxed to the Central Fax number (571-273-8300) b) hand carried or delivered to the Customer Service Window (located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), c) mailed to the mailing address set forth in

37 CFR 1.1 (e.g., P.O. Box 1450, Alexandria, VA 22313-1450), or d) transmitted to the Office using the Office's Electronic Filing System.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (571) 272-4054. The examiner can normally be reached from 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, primary examiner, Tadesse Hailu can be reached on (571) 272-4051.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Application/Control Number:
09/726,779
Art Unit: 2173

Page 7

you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

Namitha Pillai
Patent Examiner
Art Unit 2173
February 6, 2008

TADESSE HAILU
PRIMARY EXAMINER

